

Michelle D. Spencer, 164696  
Attorney at Law  
331 Soquel Ave., Suite 208  
Santa Cruz, CA 95062  
Tel: 831-426-9900  
Fax: 831-427-0674  
Attorney for Jose Alfredo Souza

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

\*E-FILED - 4/24/06\*

UNITED STATES OF AMERICA,	)	No: CR05-00285-RMW
Plaintiff,	)	
	)	
v.	)	<b>STIPULATION AND</b>
	)	<b>ORDER CONTINUING STATUS CONFERENCE</b>
	)	<b>AND EXCLUDING TIME UNDER</b>
	)	<b>SPEEDY TRIAL ACT, 18 USC § 3161</b>
	)	
Jose Alfredo Souza,	)	
Defendant.	)	

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This matter is scheduled for a status conference on Monday, April 24, 2006 at 9:00 a.m. On March 8, 2006, the defense filed an Ex Parte Application in Support of the Issuance of Rule 17 Subpoenas for Police Officer Personnel Records. On March 9, 2006 Hon. Magistrate Judge Howard Lloyd issued the subpoenas. The subpoenas required a response date of March 27, 2006. Unfortunately, the U.S. Marshal's Service was not able to serve the subpoenas on the Watsonville Police Department until the afternoon of Friday, March 24, 2006. The Watsonville Police Department is entitled to have ten court days to respond to the subpoenas in some manner. Counsel for the

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1 Watsonville Police Department recently delivered the responsive personnel files to the chambers of  
2 Magistrate Judge Howard R. Lloyd for *in camera* review. As of April 18, 2006, Magistrate Judge  
3 Lloyd had not yet had an opportunity to review the files. Based on the ongoing *in camera* review, the  
4 parties agree that a continuance is necessary.  
5

6 Plaintiff United States of America, by and through Special Assistant United States Attorney  
7 Matthew Harris, and defendant Jose Alfredo Souza, by and through attorney Michelle D. Spencer,  
8 hereby agree and stipulate that this matter be continued from April 24, 2006 at 9:00 a.m. to May 8,  
9 2006 at 9:00 a.m. The parties agree and stipulate that the period of time from April 24, 2006 through  
10 and including May 8, 2006, shall be excluded from the period of time within which trial must  
11 commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq .  
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13 The parties agree that a continuance is needed for continuity of counsel and effective  
14 preparation and investigation.

15 KEVIN V. RYAN  
16 United States Attorney

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18 Dated:

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19 MATTHEW HARRIS  
Special Assistant United States Attorney

20 Dated:

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21 MICHELLE D. SPENCER  
Attorney for Jose Alfredo Souza  
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23 **[PROPOSED] ORDER**  
24

25 Based upon the foregoing Stipulation, and good cause appearing therefor,

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1 IT IS HEREBY ORDERED THAT that the status conference set for April 24, 2006 be  
2 continued to May 8, 2006 at 9:00 a.m.

3 IT IS FURTHER ORDERED that the period of time from April 24, 2006 through and  
4 including May 8, 2006 be excluded from the period of time within which trial must commence under  
5 the Speedy Trial Act, 18 U.S.C. § 3161 et seq. based upon the statutory provision therein, including  
6 that time is needed for effective defense preparation and investigation. The Court finds pursuant to  
7 Title 18, United States Code, Section 3161(h)(8)(A), considering the factor set forth therein, that the  
8 interests of justice in granting this continuance outweigh the defendant's and the public's interests in a  
9 speedy trial inasmuch as the parties need additional time for continuity of counsel and effective  
10 preparation and investigation.  
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14 IT IS SO ORDERED.

15  
16 Date: 4/24/06 /S/ RONALD M. WHYTE

17 HON. RONALD M. WHYTE  
18 United States District Judge  
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